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William F. Caton, Acting Secretary Federal Communications Commission Washington, D.C. 20554

Re:

Comments of Yelm Telephøne Company

WT Docket No. 96-148 GN Docket No. 96-113

Dear Mr. Caton:

Enclosed for filing are the original and nine copies of the Comments of Yelm Telephone Company in the above-entitled dockets.

Thank you for your assistance in this matter.

Sincerely

RICHARD A. FINNIGAN

RAF/aw Enclosures as noted

cc: Tom Gorman (letter only)

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In the Matter of	MAN
Coorsephia Destitioning and Coorters	1998
Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees) WT Docket 145/96-148
Implementation of Section 257 of the)) GN Docket No. 96-113
Communications Act -)
Elimination of Market Entry Barriers	

COMMENTS OF YELM TELEPHONE COMPANY

These Comments are submitted on behalf of Yelm Telephone Company (hereinafter referred to as "Yelm"). Yelm is a rural telephone company as that term is defined in Section 24.720 of the Federal Communications Commission's Rules. Yelm serves some of the more rural areas of Pierce and Thurston Counties in the state of Washington. Yelm serves a population of approximately 20,000 in Thurston County and 3,600 in Pierce County. The total population of Thurston County is 193,100. The total population of Pierce County is 665,200.

Yelm is very concerned about the FCC's language in its Notice of Proposed Rulemaking ("NPRM") that "any partitioning of broadband licenses be required to be along county lines. . . ." NPRM at paragraph 18, page 12. The restriction to county-wide partitioning is unduly restrictive.

Partitioning should be allowed along recognized geopolitical boundaries, not solely county lines. There are other geopolitical areas such as cities, even the service area boundaries of a rural telephone company, which are appropriate for use and will facilitate additional deployment of PCS technology into rural areas. The Commission, by asking that any party that wants to partition less than a county-wide area seek a waiver, is imposing an improper and unduly restrictive condition on partitioning.

By looking at a map of the United States, it is apparent that for states in the eastern half of the United States, partitioning upon county lines may be an appropriate restriction. The counties are relatively small and numerous. The western states, such as Washington, Oregon, Idaho, Nevada, Montana, etc., have large counties, in some cases larger than states in the East. Restricting partitioning, absent a waiver, to county-wide partitioning will make it very difficult for a rural telephone company in one of the western states to be able to partition its service area.

A perfect example is Yelm's situation. Its service area in Pierce County is rural. Yet, Pierce County contains a major metropolitan area, the city of Tacoma. A holder of a PCS license will not partition Pierce County, thereby giving up Tacoma, to Yelm Telephone Company. However, it may be quite willing to partition the Yelm service area to Yelm Telephone Company because of its rural character. Yelm would be able to deliver PCS service to its service area much faster than another holder of the license who wants to concentrate in the city of Tacoma.

This is equally true of Yelm's presence in Thurston County. Thurston County is the home of Olympia, the state capital. The PCS license holder for Thurston County will not

partition the entire county to Yelm. Although, it may be very willing to partition Yelm's service area to Yelm Telephone Company because of its rural characteristics.

The Commission's restriction of partitioning to counties appears to be aimed at the administrative convenience of review of partitioning licenses and the ease of geographical description then contained in those licenses. That administrative convenience should not be a bar to the delivery of PCS service in rural areas in the western United States.

Yelm asks that the Commission soften its stance on the restriction that partitioning, absent a waiver, must be done along county lines. Rational geographic areas, including a rural telephone company's service boundaries, should be allowed for partitions of PCS licenses. Waivers should not be necessary.

Thank you for your consideration of these Comments.

Respectfully submitted this 12th day of August, 1996.

RICHARD A. FINNIGAN

Attorney for Yelm Telephone Company